

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 18, 2004

Division: Growth Management

Bulk Item: Yes No X

Department: Planning and Environmental Res.

AGENDA ITEM WORDING: A public hearing to consider an amendment to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan to provide the Land Authority greater latitude in the acquisition of land from willing private owners. (Second of two public hearings)

ITEM BACKGROUND: The amendment, recommended by staff at the Board's direction, to Policy 101.6.2 provides for the Land Authority to be able to use the funds accumulated for acquisition of Administrative Relief applicants to acquire other properties when deemed appropriate. The amendment recommended by the Planning Commission was transmitted to the Department of Community Affairs (DCA) in error. The correct amendment will be submitted to DCA after this hearing.

PREVIOUS RELEVANT BOARD ACTION: At the BOCC public hearing of January 21, 2004, the Monroe County Board of County Commissioners approved the staff recommended amendment to Policy 101.6.2 and directed the Growth Management Division to transmit the item to the DCA for their review and comments.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No N/A

COST TO COUNTY: N/A

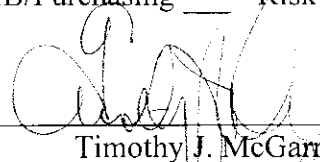
SOURCE OF FUNDS: N/A

REVENUE PRODUCING: N/A

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # Q2

YMC

Amendment to Policy 101.6.2 of the
Monroe County Year 2010 Comprehensive Plan

Second of Two Public Hearings

Board of County Commissioners
Key Largo Library Meeting Room
August 18, 2004

Proposed Amendment to Monroe County Year 2010 Comprehensive Plan.

A request filed by the Monroe County Department of Planning & Environmental Resources concerning an amendment to Policy 101.6.2 for the purpose of providing the Land Authority with greater latitude in the acquisition of land from willing private owners. The second of two public hearings.

Comprehensive Plan Recommendations

| | | | |
|-------|----------|-------------------|----------------------|
| Staff | Approval | October 15, 2003 | Staff Report |
| DRC | Approval | November 24, 2003 | Resolution #D35-03 |
| PC | Approval | December 3, 2003 | Resolution #P79-03 |
| BOCC | Approval | January 21, 2004 | Resolution #045-2004 |

Exhibits

Exhibit "A" Memorandum from Mark Rosch to James Roberts dated August 8, 2003

BOCC ORDINANCE

[PROPOSED TEXT]

ORDINANCE NO. -2004

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN GIVING THE LAND AUTHORITY GREATER LATITUDE IN SPENDING FUNDS TO ACQUIRE LANDS FROM WILLING SELLERS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief); and

WHEREAS, Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority to dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief; and

WHEREAS, funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners; and

WHEREAS, Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2.; and

WHEREAS, after a review and discussion of the memorandum by the Monroe County Board of County Commissioners, the Commission directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study (Goal 105 of the Monroe County Year 2010 Comprehensive Plan, and BOCC Resolution 346-2003 to provide the Monroe County Land Authority greater latitude in the acquisition of land from willing owners; and

WHEREAS, BOCC Resolution 346-2003 designated and mapped Conservation and Natural Areas that are areas proposed for future acquisition by the County, State, and Federal agencies for conservation or resource protection; and

WHEREAS, the Monroe County Board of County Commissioners, on August 20th 2003, directed the Growth Management Division staff to prepare amendments to the Monroe County Year 2010 Comprehensive Plan that will permit Land Authority ROGO reserve funds currently dedicated for administrative Relief to also be used to acquire other lands from willing owners in the Conservation and natural areas; and

WHEREAS, funds accumulated in the Land Authority ROGO reserve shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for the purposes of conservation or resource protection; and

WHEREAS, the Board finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately owned land; and

WHEREAS, at the Development Review Committee public meeting of November 24, 2003, the Committee recommended approval of the proposed amendment; and

WHEREAS, at the Planning Commission at a public hearing of December 3, 2003, the Commission recommended approval with an amendment; and

WHEREAS, this Board reviewed the following:

1. July 23 staff report prepared by K. Marlene Conaway, Director Planning and Environmental Resources Department.
2. Memorandum of August 8th, 2003 prepared by Mark J. Rosch, Executive Director, Land Authority.
3. Testimony of the Growth Management Staff; and

WHEREAS, this Board finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, this Board finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

| |
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| <u>Underlined text is new.</u> |
|--------------------------------|

Section 1. Objective 101.6

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties when deemed appropriate by the Land Authority.

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, A.D., 2004.

| | |
|------------------------------------|-------|
| Mayor Murray Nelson | _____ |
| Mayor Pro Tem David P. Rice | _____ |
| Commissioner Charles "Sonny" McCoy | _____ |
| Commissioner George Neugent | _____ |
| Commissioner Dixie Spehar | _____ |

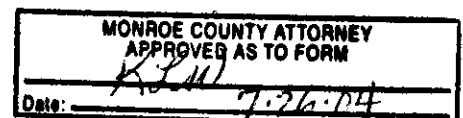
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK


DEPUTY CLERK



Board of County Commissioners
Staff Report

July 23, 2004

TO: Monroe County Board of County Commissioners

FROM: K. Marlene Conaway, Director 

DATE: July 23, 2004

RE: **Amendment to Policy 101.6.2 on the Monroe County Year 2010 Comprehensive Plan to provide the Land Authority greater latitude in the acquisition of land from willing private owners.**

I. BACKGROUND

Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief).

Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners.

Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2. The memorandum is attached as "Exhibit A".

After a review and discussion of the memorandum by the Monroe County Board of County Commissioners, the Commission directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study (Goal 105 of the Comp Plan), and BOCC Resolution 346-2003 to provide the Land Authority greater latitude and flexibility in the acquisition of land from willing owners.

The staff recommended an amendment to Policy 101.6.2 giving the County the flexibility *to acquire other properties when deemed appropriate by the Land Authority.*

At the December 3rd, 2003 public hearing of the Planning Commission, the Commission voted to recommend approval to the Board of County Commissioners of an amendment

that limited the use of the funds to *properties proposed for acquisition for purposes of conservation or resource protection.*

The Board of County Commissioners on January 21, 2004, after a public hearing, voted to transmit the Staff recommended amendment to the DCA for review.

Policy 101.6.2

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, *but may also be used to acquire other properties when deemed appropriate by the Land Authority.*

In error the Planning Commission proposed amendment to Policy 101.6.2 was transmitted to DCA. The DCA had no comments on the submittal. The County can correct that mistake by adopting and submitting the enclosed ordinance to the DCA.

IV. RECOMMENDATION

The staff recommends correcting the error, submitting the correct amendment to DCA, and that the Board of County Commissioners **APPROVE** the following amendment to Monroe County Year 2010 Comprehensive Plan:

Policy 101.6.2.

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, *but may also be used to acquire other properties when deemed appropriate by the Land Authority.*

EXHIBIT "A"



Exhibit "A"

MONROE COUNTY LAND AUTHORITY

1200 TRUMAN AVENUE, SUITE 207 • KEY WEST, FLORIDA 33040
PHONE (305) 295-5180 • FAX (305) 295-5181

MEMORANDUM

TO: James L. Roberts, County Administrator

FROM: Mark J. Rosch, Executive Director *MR*
Monroe County Land Authority

DATE: August 8, 2003

SUBJECT: Land Authority ROGO Reserve

Pursuant to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan, the Monroe County Land Authority has established a budgetary reserve for the purchase of property to provide administrative relief to ROGO applicants. Since FY 93, the Land Authority has set aside 35% of its recurring land acquisition revenue into this reserve. To date there have been no expenditures from this reserve and thus the balance has grown over the years to its current level of \$3.4 million. The ROGO reserve in the proposed FY 04 budget is \$3.8 million.

The County's ROGO ordinance has been in effect for 11 years. To date the Land Authority has purchased property from six ROGO administrative relief applicants at a total cost of approximately \$800,000. All but \$12,000 of this total was paid for with State funds that are no longer available (Preservation 2000 funds appropriated to the Land Authority by the Florida Legislature).

The ROGO ordinance creates a contingent liability that is difficult to forecast. The variables include: 1) how many property owners will choose to enter the ROGO competition; 2) how many ROGO allocations will be available for the County to issue; 3) which applicants will compete unsuccessfully for four years and become eligible for administrative relief; 4) which of the eligible applicants will choose to apply for administrative relief; 5) what form of administrative relief the Board will choose to offer; 6) how many eligible applicants will be willing sellers; and 7) the purchase price for a given property.

As of the most recent ROGO ranking approved by the County Planning Commission (April 14, 2003), there were 305 applications denied a ROGO allocation. Of these 305, 48 have already been in ROGO for 4 years and have either declined the Land Authority's purchase offer or have not applied for administrative relief. Depending on the outcome of future rankings, a maximum of 23 additional applications may have been in ROGO for 4 years by this time next year.

What budgetary impact will this situation have? It is impossible to know for sure. After 11 years, the impact has only been \$800,000. Assuming an average assessed value of \$45,000 per parcel, the assessed value of the 48 "4-year olds" is approximately \$2.1 million. By this time next year if the 23 "3-year olds" are still in ROGO, the estimated assessed value of potential administrative relief properties will be \$3.2 million. The estimated assessed value of all 305 applications is \$13.7 million. These figures are only rough estimates, but they illustrate the potential order of magnitude involved and the high degree of uncertainty.

The Land Authority's ROGO reserve was established pursuant to Policy 101.6.2 of the Comprehensive Plan. Should the Board wish to use a portion of the reserve for acquisitions outside of the ROGO administrative relief process, the Board should proceed by directing staff to initiate a plan amendment.